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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,671	12/22/2000	Clay Davidson	EWG-097 US	1646

7590 07/15/2004
ELMER GAIBI
1030 S.W. MORRISON ST
PORTLAND, OR 97025

EXAMINER

NAKHJAVAN, SHERVIN K

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/15/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,671

Applicant(s)

DAVIDSON ET AL.

Examiner

Shervin Nakhjavan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-21 and 23-29 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The indicated allowability of claim 2 is withdrawn in view of further consideration of the reference(s) to Edgar. Rejections based on the reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Edgar (US 5,771,317).

Regarding claim 2, Edgar teaches, a process for improving watermark detection (the preamble has not been given weight since it is not part of the claim's body and therefore this claim is not limited by this language) comprising: receiving an image (Column 15, Lines 15-16, where an image is scanned and a grid pattern 350 is produced of the image); and applying different compensation to the image in the "x" and "y" being horizontal and vertical (Column 15, Lines 34-42, where a crosswise direction compensation being the "y" or *vertical direction* compensation of the image) and (Column 15, Lines 43-51, lengthwise being the "x" or horizontal direction of compensation), respectively, directions to reduce artifacts introduced by a printer or scanner which differ in the "x" and "y" directions (wherein at column 15, lines 38-40, in crosswise application, "the column of pixels are resized using the one dimensional process which is constant across the entire line" and at column 15, lines 45-51, in

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lengthwise direction, "For this case, the resize factor may vary across the pixel row 373 as the scanning process may not be completely uniform", showing the two application although similar in many ways but they are different in the resizing aspect and further the produced artifacts are reduced by said applications as discussed with regards to *distortions* which is another name for artifacts present in the image at column 7, line 58 through column 8, line 9).

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance: claims 3-21 and 23-29 are allowed because, the prior art of record specifically Erickson et al. (US 5,920,407) fails to teach reversing changes made to the first digital image data to make a second digital image of claims 9, 15 and 18; adjusting an image data that comprises adjustments, reflecting user-dependent factors, to counter-balance some of the adjustments made by the user to generate a second adjusted image and further analyzing the second adjusted image to find at least one machine-readable indicia and a predetermined pattern of claim 27 combine with other features and elements of the claims.

Contact information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shervin Nakhjavan whose telephone number is (703) 306-5916. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached at (703) 305-4706.

Any response to this action should be mailed to:
Assistant Commissioner for Patents

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Washington, DC 20231

Or faxed to:

(703) 872-9306 for *formal* communications, please mark "**EXPEDITED PROCEDURE**"

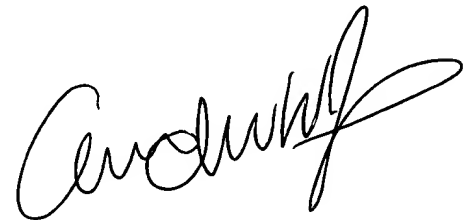
or:

for *informal* or *draft* communications; please label "**PROPOSED**" or "**DRAFT**".

Hand delivered responses should be brought to Crystal Park 2, 2121 Crystal drive, Arlington, VA, sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Tech center 2700 customer service office **(703) 306-0377**.

Shervin Nakhjavan *S.N*
Patent Examiner
Group Art Unit 2621
July 11, 2004.



ANDREW W. JOHNS
PRIMARY EXAMINER